

## REMARKS

Favorable reconsideration of this application, in view of the present amendment and in light of the following discussion, is respectfully requested.

Claims 1 and 7 have been amended. Claim 13 has been cancelled. New dependent claims 14-17, corresponding to original dependent claims 5-6 and 11-12, have been added. Claims 1-4, 7-10, and 14-17 are pending and under consideration.

This amendment is believed to place the application in condition for allowance, and entry therefore is respectfully requested. In the alternative, entry of this amendment is requested as placing the application in better condition for appeal by, at least, reducing the number of issues outstanding.

### Entry of Amendment under 37 C.F.R. § 1.116

The Applicant requests entry of this Rule 116 Response because the amendment does not significantly alter the scope of the claims and places the application at least into a better form for purposes of appeal. No new features or new issues are being raised.

The Manual of Patent Examining Procedures (M.P.E.P.) sets forth in Section 714.12 that “any amendment that would place the case either in condition for allowance or in better form for appeal may be entered.” Moreover, Section 714.13 sets forth that “the Proposed Amendment should be given sufficient consideration to determine whether the claims are in condition for allowance and/or whether the issues on appeal are simplified.” The M.P.E.P. further articulates that the reason for any non-entry should be explained expressly in the Advisory Action.

### **I. Rejections under 35 U.S.C. § 103**

In the Office Action, at pages 2-3, claims 1-2, 4, 7-8, 10, and 13 were rejected under 35 USC § 103(a) as being unpatentable over Tagar et al. (U.S. Patent Application No. 2004/0208608) in view of Zhou (U.S. Patent Application No. 2003/0219198).

Tagar et al. does not discuss or suggest:

each of said plurality of first optical repeater nodes compensates for dispersion whose value is larger than a value of dispersion which occurs between said optical transmitting end station or an adjacent first optical repeater node or an adjacent second optical repeater node and the first optical repeater node itself by multiplying a predetermined negative dispersion value by a transmission distance from the transmitting end station to each of said first optical repeater nodes, respectively, and

said second optical repeater node compensates for dispersion so that residual dispersion occurs for a value obtained by subtracting a value of dispersion, which is compensated by a first optical repeater node between said optical transmitting end station or a second optical repeater node at a preceding stage and said second optical repeater node itself, from a value of dispersion in a transmission line, which occurs between said optical transmitting end station or the second optical repeater node at the preceding stage and said second optical repeater node itself by multiplying a predetermined positive dispersion value by a transmission distance from the transmitting end station to said second optical repeater node,

as recited in amended claim 1. In other words, the invention of claim 1 provides for a residual dispersion of a first dispersion compensation section to be set to a value obtained by multiplying a predetermined negative dispersion value by a transmission distance from the transmitting end station to each of said first optical repeater nodes, respectively. Furthermore, the invention of claim 1 provides for a residual dispersion of a second dispersion compensation section to be set to a value obtained by multiplying a predetermined positive dispersion value by a transmission distance from the transmitting end station to said second optical repeater node. These features are not disclosed in Tagar et al. Furthermore, Zhou is merely cited by the Examiner as disclosing high speed TDM signals of 10Gb/s and 40Gb/s. Therefore, Zhou fails to make up for the deficiency in Tagar et al.

Since Tagar et al. and Zhou, alone or in combination, do not discuss or suggest all of the features of claim 1, claim 1 distinguishes over Tagar et al. and Zhou. Accordingly, withdrawal of the rejection of claim 1 is respectfully requested.

Claims 2 and 4 depend directly from claim 1, and include all the features of claim 1, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claims 2 and 4 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 2 and 4 is respectfully requested.

Tagar et al. and Zhou, alone or in combination, do not discuss or suggest:

compensating for dispersion whose value is larger than a value of dispersion which occurs between the optical transmitting end station or an adjacent first optical repeater node or an adjacent second optical repeater node and the first optical repeater node itself, by each of the plurality of first optical repeater nodes, by multiplying a predetermined negative dispersion value by a transmission distance from the transmitting end station to each of said first optical repeater nodes, respectively; and

compensating for dispersion so that residual dispersion occurs for a value obtained by subtracting a value of dispersion, which is compensated by a first optical repeater node between the optical transmitting end station or a second optical repeater node at a preceding stage and the second optical repeater node itself, from a value of dispersion in a transmission line, which occurs between the optical transmitting end station or the second optical repeater node at the preceding stage and the second optical repeater node itself, by the second optical repeater node, by multiplying a predetermined positive dispersion value by a transmission distance from the transmitting end station to said second optical repeater node,

as recited in amended claim 7, so that distinguishes over Tagar et al. and Zhou. Accordingly, withdrawal of the rejection of claim 7 is respectfully requested.

Claims 8 and 10 depend directly from claim 7, and include all the features of claim 7, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claims 8 and 10 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 8 and 10 is respectfully requested.

Claim 13 has been cancelled. Accordingly, withdrawal of the rejection of claim 13 is respectfully requested.

In the Office Action, at page 3, claims 3 and 9 were rejected under 35 USC § 103(a) as being unpatentable over Tagar et al. and Zhou and further in view of Tsuritani et al. (U.S. Patent No. 6,768,872).

As discussed above, the combination of Tagar et al. and Zhou does not discuss or suggest all of the features of independent claims 1 and 7. Tsuritani et al. fails to make up for these deficiencies, such that claims 1 and 7 each patentably distinguish over the cited prior art. Claims 3 and 9 depend directly from claims 1 and 7, respectively, and include all the features of claims 1 and 7, respectively, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claims 3 and 9 patentably distinguish over the references relied upon for at least the reasons noted above. Accordingly, withdrawal of the rejection of claims 3 and 9 is respectfully requested.

## **II. New Claims**

New dependent claims 14-17 have been added. As discussed above, none of the cited prior art, alone or in combination, discusses or suggests all of the features of independent claims 1 and 7. Claims 14-15 and 16-17 depend either directly or indirectly from claims 1 and 7,

respectively, and include all the features of claims 1 and 7, respectively, plus additional patentable features that are not discussed or suggested by the references relied upon. Therefore, claims 14-15 and 16-17 patentably distinguish over the references relied upon for at least the reasons noted above. Thus, it is submitted that claims 14-15 and 16-17 are in a condition suitable for allowance.

## CONCLUSION

There being no further outstanding objections or rejections, it is submitted that the application is in condition for allowance. An early action to that effect is courteously solicited.

Finally, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to these matters.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

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Date: 1-17-08

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